



UNITED STATES DEPARTMENT OF COMMERCE

Patent and Trademark Office

Address: COMMISSIONER OF PATENTS AND TRADEMARKS
Washington, D.C. 20231

| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. |
|-----------------|-------------|----------------------|---------------------|
| 09/033,832 | 03/03/98 | MOSHER W | PREC1-P5366 |

THOMAS P MAHONEY
660 NEWPORT CENTER DRIVE
SUITE 710
NEWPORT BEACH CA 92660

PM81/0604

EXAMINER

GREEN, B

ART UNIT

PAPER NUMBER

3628

DATE MAILED: 06/04/99

Please find below and/or attached an Office communication concerning this application or proceeding.

Commissioner of Patents and Trademarks

Office Action Summary

Application No.

Applicant(s)

Examiner

Group Art Unit

—The MAILING DATE of this communication appears on the cover sheet beneath the correspondence address—

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, such period shall, by default, expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).

Status

- ☒ Responsive to communication(s) filed on 3/31/99
- ☐ This action is **FINAL**.
- ☐ Since this application is in condition for allowance except for formal matters, **prosecution as to the merits is closed** in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

Disposition of Claims

- ☒ Claim(s) 19-27 is/are pending in the application.
- ☐ Of the above claim(s) _____ is/are withdrawn from consideration.
- ☐ Claim(s) _____ is/are allowed.
- ☒ Claim(s) 19-27 is/are rejected.
- ☐ Claim(s) _____ is/are objected to.
- ☐ Claim(s) _____ are subject to restriction or election requirement.

Application Papers

- ☐ See the attached Notice of Draftsperson's Patent Drawing Review, PTO-948.
- ☐ The proposed drawing correction, filed on _____ is ☐ approved ☐ disapproved.
- ☐ The drawing(s) filed on _____ is/are objected to by the Examiner.
- ☐ The specification is objected to by the Examiner.
- ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. § 119 (a)-(d)

- ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).
- ☐ All ☐ Some* ☐ None of the CERTIFIED copies of the priority documents have been
- ☐ received.
- ☐ received in Application No. (Series Code/Serial Number) _____
- ☐ received in this national stage application from the International Bureau (PCT Rule 1.7.2(a)).

*Certified copies not received: _____

Attachment(s)

- ☐ Information Disclosure Statement(s), PTO-1449, Paper No(s). _____
- ☒ Notice of Reference(s) Cited, PTO-892
- ☒ Notice of Draftsperson's Patent Drawing Review, PTO-948
- ☐ Interview Summary, PTO-413
- ☐ Notice of Informal Patent Application, PTO-152
- ☐ Other _____

Office Action Summary

Art Unit: 3628

Drawings

1. The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, the recess in the body of the securement means defined in claim 27 must be shown or the feature(s) canceled from the claim(s). No new matter should be entered.

Specification

2. The abstract of the disclosure is objected to because of the use of legal phraseology (means) throughout the abstract which is improper. Correction is required. See MPEP § 608.01(b).

Claim Rejections - 35 USC § 112

Claims 19,20, 23,24, and 27 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

In claim 19, last two lines, there is no antecedent basis for "the original wristband". In claim 23, line 6, there is no antecedent basis for "said radio frequency circuit". Claim 27 is indefinite since it is not understood how the body includes a recess.

Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless --

Art Unit: 3628

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

4. Claims 25-27 are rejected under 35 U.S.C. 102(b) as being anticipated by Hayes (U.S. Patent No. 4,718,374).

Hayes shows in figures 1-5 a reusable securement means comprising a body (22) with securement portions (45,56,106,168) and a radio frequency identification circuit means (60). The intended use of the device has not been given any patentable weight.

Claim Rejections - 35 USC § 103

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claims 19-27 are rejected under 35 U.S.C. 103(a) as being unpatentable over de Jong (U.S. Patent No. 4,612,719) in view of Hayes (U.S. Patent No. 4,718,374).

de Jong shows in figure 9 a band (6), securement means (90), and a responder (2). de Jong does not disclose whether the responder includes a radio frequency circuit means. Hayes shows in figures 1-5 a reusable securement means comprising a body (22) with securement portions (45,56,106,168) and a radio frequency identification circuit means (60). In view of the teachings of Hayes it would have been obvious to one in the art to modify de Jong by including a radio

Art Unit: 3628

frequency circuit means within the responder since this would allow information from the responder to sent out and received in an easier manner.

7. Claims 19-27 are rejected under 35 U.S.C. 103(a) as being unpatentable over Pennock et al. (U.S. Patent No. 5,140,946) in view of Hayes (U.S. Patent No. 4,718,374).

Pennock et al. shows in figures 1-2 a band (40) and a securement means (10). Pennock et al. does not disclose placing a radio frequency circuit means within the securement means. Hayes shows in figures 1-5 a reusable securement means comprising a body (22) with securement portions (45,56,106,168) and a radio frequency identification circuit means (60). In view of the teachings of Hayes it would have been obvious to one in the art to modify Pennock et al. by including a radio frequency circuit means within the securement means since this would allow the animal to be identified and information with regard to the animal to be relayed to another location.

8. Claims 19-27 are rejected under 35 U.S.C. 103(a) as being unpatentable over Pennock et al. (U.S. Patent No. 5,140,946) in view of de Jong et al. (U.S. Patent No. 5,588,234).

Pennock et al. shows in figures 1-2 a band (40) and a securement means (10). Pennock et al. does not disclose placing a radio frequency circuit means within the securement means. De Jong et al. shows in figures 1-5 a radio frequency identification circuit means (7,8). In view of the teachings of de Jong et al. it would have been obvious to one in the art to modify Pennock et al. by including a radio frequency circuit means within the securement means since this would allow

Art Unit: 3628

the animal to be identified and information with regard to the animal to be relayed to another location.

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Johnson, MacDonald '608, MacDonald '554, and Juhan et al. teach the use of identification bands.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Brian K. Green whose telephone number is (703) 308-1011.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-2168.

BRIAN K. GREEN
PRIMARY EXAMINER
GROUP 8500
3628

bkg

May 19, 1999